

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI

WEDNESDAY, THE 22ND NOVEMBER 2006 / 1ST AGRAHAYANA 1928

Crl.Rev.Pet.No. 754 of 1998()

CRA.49/1997 of SESSIONS COURT, KOLLAM
CC.110/1993 of JUDL.MAGISTRATE OF FIRST CLASS-II, KOLLAM
.....

REVN. PETITIONER/APPELLANT/ACCUSED

MUHAMMED RASHEED, S/O.AHAMMED PILLA,
RAZEENA MANZIL, WARD NO.10,
KADAKKAVOOR PANCHAYAT MANAMPUR VILLAGE,
PERUMKULAM P.O.

BY ADV. SRI.BABU KARUKAPADATH

RESPONDENT/RESPONDENT/COMPLAINANT

STATE OF KERALA REPRESENTED BY THE
SUB INSPECTOR OF POLICE, TRAFFIC POLICE
STATION, QUILON (CRIME NO.748/92).

BY PUBLIC PROSECUTOR MR.P.RAVINDRA BABU

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 22/11/2006, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V.K. BALI, C.J.

CrI.R.P.No.754 of 1998

Dated, this the 22nd day of November, 2006

ORDER

V.K.Bali,C.J.(Oral)

Petitioner was tried for offences punishable under Sections 279 and 338 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for one year under Section 338 IPC and to pay a fine of Rs.1000/- and in default of payment of fine to undergo rigorous imprisonment for one month more under Section 279 IPC, vide order dated 20th March, 1997 passed by the Judicial Magistrate of the First Class-II, Kollam. The appeal carried against the order aforesaid was dismissed by the learned Sessions Judge, Kollam vide order dated 4th August, 1998. It is against these two orders that the present revision has been filed.

2. The learned counsel appearing for the petitioner without joining issues on the merits of the case contends that the occurrence pertains to the year 1992 and in the manner aforesaid the petitioner has already suffered agony of a protracted trial spanned over a period of more than 14 years at at this distance of time he may not be sent to serve a jail term.

3. The contention of the learned counsel for the petitioner

for convicting the petitioner only to pay a fine cannot be accepted in the facts and circumstances of the case. The injured P.W.1 caused serious injuries and as a result of which one of his legs has to be amputated. Considering, however, the fact that the occurrence had taken place in 1992 the sentence can be reduced. In totality of the facts and circumstances of the case this Court is of the view that interests of justice will be served if while maintaining the order of conviction against the petitioner the sentence is reduced to six months. Ordered accordingly.

Revision petition is disposed of accordingly.

**V.K. BALI,
CHIEF JUSTICE.**

vns